



DOCKET NO.: PRD-0033

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In Re Application of:

Timothy Lovenberg and Changlu Liu

For: DNAs ENCODING MAMMALIAN HISTAMINE RECEPTOR OF THE H4
SUBTYPE

EXPRESS MAIL LABEL NO: EV325637281US
DATE OF DEPOSIT: July 23, 2003

EV325637281US

☐ Mail Stop Patent Application ☐ Mail Stop Design ☒ Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find:

- ☐ A Utility Patent Application under 37 CFR § 1.53(b).
- ☒ A Utility Patent Application under 37 CFR § 1.53(b) as follows:
 - ☐ A Continuation of Application No.
 - ☒ A Divisional of Application No. 09/790,849.
 - ☐ A Continuation-in-part of Application No.
- ☐ A Design Patent Application (submitted in duplicate).

The above-identified application includes the following:

- ☐ A Request for Nonpublication
- ☐ A Specification including claims and abstract on pages 1 to .
- ☒ A copy of the specification including claims and abstract (pages 1-61) and drawings and appendixes (if any) of earlier Application No. 09/970,849 filed February 21, 2001, to which no new matter has been added. Such earlier application is hereby incorporated into the present application by reference.
 - ☐ A copy of the executed oath or declaration filed in the earlier application identified above is attached.
 - ☐ An Associate Power of Attorney executed by who is listed in the copy of the executed Declaration and Power of Attorney filed herewith.
 - ☐ A Copy of the Power of Attorney with Revocation filed in prior Application No.
 - ☐ Signed Statement deleting inventor(s) named in the prior application.
 - ☐ Please enter the amendment as follows to the specification under the "Cross-Reference to Related Applications" section (or amend the specification to include such a section as the first paragraph):
 - ☐ "This application is a divisional of , filed , the entirety of which is incorporated herein by reference."
 - ☐ "This application claims benefit of Provisional Application No , filed , the entirety of which is incorporated herein by reference."
- ☐ This application claims foreign priority under 35 U.S.C. § 119 of Application No. filed in (Country).
- ☐ A Certified Copy of each of the above applications for which priority is claimed:
 - ☐ is enclosed.
 - ☐ has been filed in prior Application No. filed .
- ☒ 13 Sheets of Formal Drawings and/or Photographs.
 - ☒ Figure 8 should be published.
 - ☒ Petition to Accept Color Photographs is enclosed.

- ☒ A New Unexecuted Declaration or Oath and Power of Attorney.
- ☐ A New Executed Declaration or Oath and Power of Attorney.
- ☐ An Associate Power of Attorney executed by _____ who is listed in the Executed Declaration and Power of Attorney filed herewith.
- ☐ A newly Executed Assignment or Request to Cross-Reference Earlier Recorded Assignment assigning rights to _____.
- ☐ A Recordation Form Cover Sheet.
- ☐ Recordation Fee - \$40.00.
- ☒ This application is assigned of record to ORTHO MCNEIL PHARMACEUTICAL, INC. as indicated by the assignment recorded on February 25, 2002 at reel 012663 and frame 0280.
- ☒ A Preliminary Amendment is enclosed .
- ☒ A Sequence Listing consisting of pages 1-13.
- ☒ Diskette containing Sequence Listing is enclosed.
- ☐ The computer readable form in the above-identified application is identical with that filed in Application Number _____, filed _____. In accordance with 37 CFR § 1.821(e), please use the sequence listing filed on _____ and received by the PTO on _____ as the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
- ☐ A paper copy of the Sequence Listing:
- ☐ was filed in the above-identified parent application on _____ and received by the PTO on _____.
- ☐ is included herewith in a separately filed preliminary amendment for incorporation into the specification.
- ☒ A Statement to Support Submission of Sequence Information is enclosed.
- ☐ Information Disclosure Statement including:
- ☐ Form 1449.
- ☐ Copies of References _____ - _____ listed on the attached Form PTO-1449.
- ☒ A copy of Petition for Extension of Time as filed in the prior case for copendency.

- ☐ Appended Material as follows:
- ☒ Return Receipt Postcard (should be specifically itemized).

FEE CALCULATION:

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
- ☐ an Independent Inventor
- ☐ a Small Business Concern
- ☐ a Nonprofit Organization
- ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

				SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
DESIGN APPLICATION BASE FEE				\$165.00		\$330.00	0
UTILITY APPLICATION BASE FEE				\$375.00		\$750.00	750.00
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS							
	No. Filed	No. Extra					
TOTAL NO. OF CLAIMS	14 - 20 =	0		\$9 each		\$18 each	0
NO. OF INDEPENDENT CLAIMS	5 - 3 =	2		\$42 each		\$84 each	168.00
MULTIPLE DEPENDENT CLAIM FEE				\$140		\$280	0
ADDITIONAL FILING FEE							0
TOTAL FILING FEE DUE							918.00

- ☐ A Check in the amount of \$.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of \$918.00. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.
- ☒ Any additional patent application processing fees under 37 CFR §§ 1.17 or 1.20(d)
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ Address all correspondence to Customer No. 23377 which is assigned to **WOODCOCK WASHBURN LLP, One Liberty Place - 46th Floor Philadelphia PA 19103**



23377

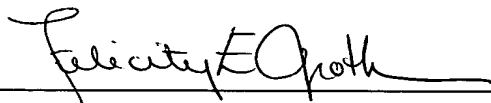
PATENT TRADEMARK OFFICE

- ☒ Direct all telephone calls to:

Felicity E. Groth
WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone No.: (215) 568-3100
Facsimile No.: (215) 568-3439

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: July 23, 2003


Felicity E. Groth
Registration No. 47,042

DOCKET NO.: PRD-0022

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Timothy Lovenberg, et al.

Confirmation No.: 7739

Application No.: 09/790,849

Group Art Unit: 1646

Filing Date: February 21, 2001

Examiner: P.M. Mertz

For: DNAs Encoding Mammalian Histamine Receptor Of The H4 Subtype

EXPRESS MAIL LABEL NO: EV 325645549 US
DATE OF DEPOSIT: July 23, 2003

EV325645549US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME (37 CFR § 1.136(a))

Petition is hereby made under 37 CFR § 1.136(a) to extend the time for response to the Office Action of **January 23, 2003** to and through **July 23, 2003** comprising an extension of the shortened statutory period of **three** month(s):

- ☒ Office Action
- ☐ Final Rejection
- ☐ Restriction Requirement
- ☐ Other:


	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$205	\$	\$410	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$465	\$	\$930	\$930.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$725	\$	\$1450	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$985	\$	\$1970	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
TOTAL FEE DUE		\$0		\$930.00

- ☐ An extension for _____ has already been secured and the fee paid therefore of \$_____.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$930.00**

- ☒ A check in the amount of **\$930.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$_____.00. This sheet is attached in duplicate.

Date: July 23, 2003


 Felicity E. Groth
 Registration No. 47,042

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